

PROB. 12B  
(7/93)

ORIGINAL

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

United States District Court

for the

DISTRICT OF HAWAII

MAY 18 2006  
at 10 o'clock and 8 min. PM  
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: MICHAEL DAVID BELCHER

Case No. CR 03-00180HG-01

Name of Sentencing Judicial Officer: The Honorable Barry Ted Moskowitz  
U.S. District Judge

Date of Original Sentence: 6/6/2000

Original Offense: Count 1: Conspiracy to Import Marijuana, in violation of 21 U.S.C.  
§§ 952, 960, and 963

Original Sentence: The defendant was committed to the custody of the  
U.S. Bureau of Prisons to be imprisoned for a total term of  
51 months to be followed by 4 years supervised release with the  
following special conditions: 1) Submit to a search of person,  
property, residence, abode or vehicle at a reasonable time, and in  
a reasonable manner, by the Probation Office; 2) Not possess  
firearms, explosive devices, or other dangerous weapons;  
3) Report all vehicles owned or operated, or in which you have an  
interest, to the probation officer; 4) Participate in a program of drug  
or alcohol abuse treatment including urinalysis testing and  
counseling as directed by the probation officer; 5) Not associate  
with known drug traffickers or users; and 6) Not enter Mexico  
without the written permission of the probation officer.

Modification: On 4/10/2002, the Court modified the sentence to an imprisonment  
term of 37 months.

Type of Supervision: Supervised Release    Date Supervision Commenced: 6/11/2002

### PETITIONING THE COURT

[ ✓ ] To modify the conditions of supervision as follows:

**General Condition:** That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug test thereafter, but no more than eight valid drug tests per month during the term of supervision (mandatory condition).

**Special Condition No. 7:** That the defendant is prohibited from the possession and consumption of alcohol during the term of his supervised release.

### CAUSE

On 4/7/2006, the offender contacted this officer and reported that he was arrested on 4/2/2006 for Operating a Vehicle Under the Influence of Intoxicants (OVUII) by the Maui Police Department. He related that prior to his arrest, he had consumed several beers at a friend's house. He stated that he drove his friend, Bianca Bennett, to her residence because she appeared to be too intoxicated to drive. Upon arriving at her residence, the offender advised that Ms. Bennett got out of the vehicle and fell on the driveway. The offender reported that he asked Ms. Bennett's landlord to help her into the house, got into his vehicle, and drove away. The offender was then stopped by police and failed the field sobriety test. He was administered an intoxilyzer test which resulted in a blood alcohol content of .151. The offender subsequently posted bail and was released.

A court hearing for the matter is scheduled for 5/23/2006.

A review of the police reports corroborated the offender's statement made to this officer. He is scheduled to undergo an alcohol assessment required by the Notice of Administrative Revocation of the Driver's License Bureau. The offender is required to comply with the recommendation of the assessment.

On 4/13/2006, this officer met with the offender during a supervision trip to the island of Maui. The offender was sternly admonished for his violation and warned that further violations may result in adverse Court action to include the revocation of his supervised release. In addition, a formal letter of reprimand was given to the offender. The offender expressed extreme remorse and apologized for his conduct. He stated that it was a "stupid mistake" and completely irresponsible of him to drink and drive. He acknowledged that he realized that he could have gotten into an accident and could have seriously injured or killed someone. The offender agreed to a modification of his supervision conditions to submit to one drug test within 15 days of the commencement of supervision and at least two drug test thereafter, but no more than eight valid drug

tests per month during the term of supervision and to not possess and consume alcohol during the term of his supervised release.

The offender is employed full-time as a carpenter. In addition, the offender has been attending Alcoholics Anonymous meetings. Court action is not being recommended at this time. However, the offender will be closely monitored and the Court will be immediately notified if he commits any additional violations.

Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The offender waives his right to a hearing and to assistance of counsel. The offender agrees to the modification of the conditions of supervised release. The offender's attorney and the U.S. Attorney's Office have been notified of the proposed modifications and have no objections to the modifications.

Respectfully submitted by,



JOANN S. HAMAJI  
U.S. Probation Officer

Approved by:



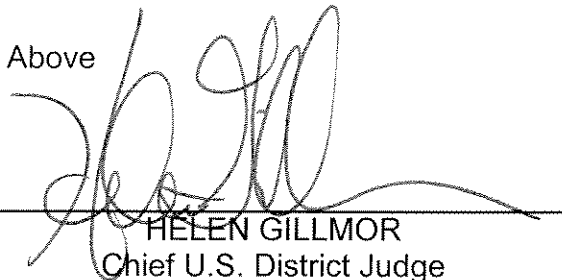
PETER D. YOSHIHARA  
Supervising U.S. Probation Officer

Date: 5/1/2006

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THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above  
☐ Other

  
HELEN GILLMOR  
Chief U.S. District Judge

5.17.06  
Date

PROB 49  
(5/96)

## United States District Court

### District of Hawaii

#### Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

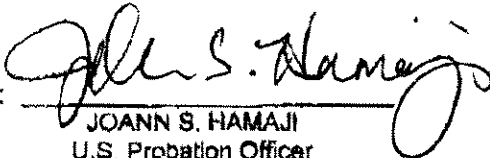
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

☒ To modify the conditions of supervision as follows:

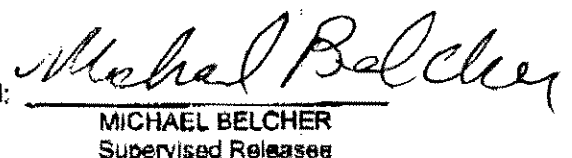
**General Condition:** That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug test thereafter, but no more than eight valid drug tests per month during the term of supervision (mandatory condition).

7 That the defendant is prohibited from the possession and consumption of alcohol during the term of his supervised release.

Witness:

  
JOANN S. HAMAJI  
U.S. Probation Officer

Signed:

  
MICHAEL BELCHER  
Supervised Releasee

4-20-06  
Date